

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0600-0500

Case Title:

Rabun Dairy

Subject of Report:

Waters of the United States Survey

Copies to:

Reporting Office:

Dallas, TX, Area Office

Activity Date:

March 6, 2007

Related Files:

Reporting Official and Date:

(b) (6), (b) (7)(C) , SAGT

09-MAR-2007

Approving Official and Date:

(b) (6), (b) (7)(C) , SAC

13-MAR-2007

Approved by: (b) (6), (b) (7)(C) ,ASAC

SYNOPSIS

On 03/06/2007 at approximately 0900 hours, SA (b) (6), (b) (7)(C) met with EPA Region 6's Concentrated Animal Feeding Operation (CAFO) Coordinator, (b) (6), (b) (7)(C) Ph.D., and Environmental Geologist (b) (6), (b) (7)(C) , at the Carol Marie PASELK Horse Ranch, located at 330 County Road 1169, Brashear, TX 75420. The purpose of the site visit was to delineate and define the creek path located on PASELK's property in an attempt to ascertain its flow and hydrological connectivity to "Waters of the United States," as that term is defined at 40 C.F.R. § 230.3(s).

DETAILS

On 03/06/2007 at approximately 0900 hours, SA (b) (6), (b) (7)(C) met with EPA Region 6's Concentrated Animal Feeding Operation (CAFO) Coordinator, (b) (6), (b) (7)(C) , Ph.D., and Environmental Geologist (b) (6), (b) (7)(C) , at the Carol Marie PASELK Horse Ranch, located at 330 County Road 1169, Brashear, TX 75420. The purpose of the site visit was to delineate and define the creek path located on PASELK's property in an attempt to ascertain its flow and hydrological connectivity to "Waters of the United States," as that term is defined at 40 C.F.R. § 230.3(s).

Of note, EPA (b) (6), (b) (7)(C) is assigned to the Water Enforcement Branch of the Compliance Assurance and Enforcement Division and conducts field inspections and has years of experience with the geographic information system mapping techniques, rock and mineral formation and hydrology.

After deploying electronic, satellite-based, survey equipment and establishing a base station on PASELK's property, EPA's SENKAYI and

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(b) (6), accompanied by SA (b) (6), began the survey of the creek's path. After a few hours, EPA's (b) (6), (b) (7)(C) and SA (b) (6), arrived at Soil Conservation Site 19 Reservoir, which is a small man-made lake. Several global positioning system readings and photographs were taken along the creek's path, which EPA's (b) (6), (b) (7)(C) and (b) (6), along with Environmental Engineer (b) (6), (b) (7)(C), who is also assigned to the Water Enforcement Branch in the Water Resources Section, will use to produce a detailed map and report documenting the creek's path and flow into Soil Conservation Site 19 Reservoir.

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